

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
04-CV-1489(JMR/FLN)

Elliott Holly)
)
 v.) ORDER
)
Amy Anderson et al.)

Plaintiff objects to the Report and Recommendation issued February 20, 2008, by the Honorable Franklin L. Noel, United States Magistrate Judge. The Magistrate recommended granting in part and denying in part defendants' motion to dismiss. Plaintiff's objections to the Report were timely filed pursuant to Local Rule 72.2(b).

Based on a de novo review of the record herein, the Court adopts the Magistrate's Report and Recommendation [Docket No. 48]. Accordingly, IT IS ORDERED that defendants' motion to dismiss [Docket No. 35] is granted in part and denied in part as follows:

1. To the extent plaintiff alleges a violation of his due process rights under the Fourteenth Amendment against defendants Deborah Konieska and Mike Smith, the motion is denied.

2. The motion is granted in all other respects.

Dated: April 15th, 2008

s/ James M. Rosenbaum
JAMES M. ROSENBAUM
United States Chief District Judge